

**State of California**  
**Memorandum**

**The Resources Agency**

To: Unit Foresters

Date: September 1, 2000

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Subject: **Class II/Class III Watercourse Designation**

As a follow-up to our ongoing discussions relative to classification of watercourses, this memo is intended to clarify the Department's position relative to the 1,000' distance referenced in 14 CCR 916.5, 936.5 and 956.5 TABLE 1.

**Background**

The language in this 14 CCR 916.5, 936.5 and 956.5 TABLE 1 was initially adopted by the Board of Forestry and became effective on October 1, 1983. In July of 1983 the Department prepared a document entitled "Guidebook to Board of Forestry Watercourse and Lake Protection Rules". While the guidebook is arguably outdated, it does provide insight into the thinking of the Department and the Board relative to the intent of Table 1. The following quote is excerpted from page 13 of the guidebook.

"Within 1,000 feet of a Class I watercourse, if there are insects and/or larger forms of life requiring aquatic habitat, then this stretch of water is designated as a class II watercourse. Caddisflies, mayflies, and stoneflies within 1,000 feet of a Class I watercourse provide a documented beneficial use and require this stretch of water to be given Class II watercourse protection. Beyond 1000 feet, these insects will not drift in significant numbers to benefit fish, and their presence alone does not merit Class II protection. Beyond 1,000 feet up from the junction with the Class I watercourse, if larger forms of aquatic life, such as frogs, crayfish, salamanders, turtles, etc. or their habitats are found, then the class II designation is still appropriate."

As this rule was initially applied, the 1,000' measurement was tied to a determination of whether or not there were aquatic insects within 1,000' of the Class I. In the absence of vertebrate aquatic life, insect presence was sufficient to require Class II protection. Beyond 1,000 feet and for those watercourses which did not have aquatic forms of life such as frogs, crayfish, salamanders, turtles, etc. were not viewed as class II watercourses.

In applying the classification criteria, it soon became obvious that determining presence or absence of vertebrate species was difficult. RPFs and agency inspectors began applying the rule based upon presence or absence of habitat under the presumption that if habitat was present, it would be utilized. In essence the 1,000' criteria was largely ignored from this point on and watercourse classification has been based since the mid to late eighties on the presence of aquatic habitat.

**Current Policy Direction**

Application of an arbitrary distance measurement is not consistent with the intent of the original rule and will not be used as the sole basis for watercourse classification. The Department will continue to apply watercourse classification linked to habitat based indicators. These indicators were described in Brad Valentine's March 7, 1997 memo, a copy of which is attached for your reference. The March 7,

1997 memo still reflects current Department policy relative to defining aquatic habitat. Key direction contained in the memo is as follows:

1. In order to reduce the ambiguity about the rule's intent, CDF will consider "non-fish species" to be only vertebrates, not plants or invertebrates.
2. If aquatic vertebrates cannot be physically found, that does not indicate that a watercourse is not aquatic habitat. CDF inspectors are directed to consider that a water which exhibits the following indicators to be aquatic habitat for non-fish species:
  - a. Presence of free water for a period of time equal to or longer than that required for water-dependent stages of animals including insect species.
  - b. Presence of aquatic plants.
  - c. Presence of water-dependent stages of aquatic insects.
  - d. Physical condition of the channel and its position in the landscape.

Indicators need not all be present nor will the presence of isolated indicators always signify that the watercourse is a Class II water.

3. Watercourses can have localized areas of aquatic habitat separated by non-habitat. In these cases, stream classification along the watercourse may alternate if consistent with correctly identifying aquatic habitat, expressing the conditions in the THP, translating the information to the operator, and enabling enforcement.
4. To resolve disputes which arise during PHIs, CDF may design seasonally and spatially appropriate surveys from which negative results would support the RPF's statement that the habitat is not habitat.

CDF inspectors will continue to evaluate the presence of aquatic habitat as described in the March 7, 1997 Valentine memo. Those watercourses, or segments of watercourses, which are determined to have aquatic habitat will receive Class II watercourse protections regardless of distance from a Class I watercourse. In addition, CDF inspectors will continue to provide for additional mitigations as appropriate for Class III watercourses.

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Enclosures (1)

cc: Ross Johnson  
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